

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WINIFRED BLACKLEDGE

Plaintiff,

vs.

CIVIL ACTION NUMBER:

CV-2:06CV321-ID

**ALABAMA DEPARTMENT OF
MENTAL HEALTH & MENTAL
RETARDATION & COMMISSIONER
JOHN HOUSTON, in his Official
as Commissioner of the Alabama
Capacity Department of Mental Health
& Mental Retardation**

Defendants.

MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT

COMES NOW, Plaintiff, Winifred Blackledge (hereinafter “Plaintiff”) in the above-styled matter and moves the Court for leave to amend her complaint pursuant to Fed.R.Civ.P. 15(a) noting that “leave shall be freely given when justice so requires.” The Amended Complaint is attached as Exhibit A. (Amended Complaint). The purpose of this Amended Complaint is to add a Retaliation claim under Title VII and Section 1981 for the following reasons:

Plaintiff filed an EEOC Charge on June 8, 2004 alleging discrimination on the basis of her race. The EEOC found cause that discrimination existed and issued a right to sue on March 22, 2006. On April 10, 2006 Plaintiff filed a lawsuit against the Alabama State Department of Mental

Health and Mental Retardation and Commissioner John Houston. The parties are currently involved in discovery.

In the Court's Uniform Scheduling Order (Doc. #11, Section 4) Plaintiff was allowed until October 24, 2006 to amend the pleadings. However, recent events have caused Plaintiff to file an additional EEOC charge on January 9, 2007 for Retaliation.

Since the date of filing her initial EEOC charge Plaintiff has been retaliated against on numerous occasions. The retaliation has materially altered her employment and her ability to do her job. Most recently, she was given a false and adverse performance appraisal. She has been adversely affected by these discriminatory practices as her salary is directly related to performance appraisals. Upon information and belief, the adverse actions taken against her by Defendant have been done in an attempt to force her out of her employment. Therefore, Plaintiff asks for leave to file the Amended Complaint

WHEREFORE, the plaintiff respectfully requests that the court grant its Motion to Amend the Complaint and allow the claims in the attached Amended Complaint.

Respectfully submitted on this the 11th Day of January, 2007.

/s/ Joshua D. Wilson
Joshua D. Wilson
ASB # 3398 J73W
Attorney for the Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I do hereby certify that I have filed a copy of the above and foregoing by filing the same with the EC/CMF system, which will provide notification to the following:

TROY KING

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COURTNEY W. TARVER

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This the 11th Day of January, 2007.

/s/ Joshua D. Wilson
Of Counsel